




U.S. Department
of Transportation
Federal Highway
Administration

Office of the Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

September 18, 2002

Mr. Jeff Morales
Director of Transportation
Department of Transportation
P.O. Box 942673
Sacramento, California 94273-0001

Dear Mr. Morales 

I am pleased to announce that President Bush today signed an Executive Order on coordinated environmental reviews for transportation construction projects. The Executive Order will speed up decisionmaking on transportation projects--airport, highway, transit and intermodal--while at the same time enhancing and safeguarding the environment.

As described in the attached letter which Secretary Mineta sent today to your governor, the Executive Order will focus high level attention from all of the key Federal agencies on a select group of projects and on implementing policies and processes that can help all transportation projects. We will be getting additional information to you in the near future on how you can participate in this process.

Also, the May 2000 Notice of Proposed Rulemaking (NPRM) for both Planning and National Environmental Policy Act (NEPA) are being withdrawn today. Although the May 2000 Planning NPRM is being withdrawn, the provision pertaining to local official consultation remains open for consideration. A Supplemental Notice of Proposed Rulemaking (SNPRM) was issued in the *Federal Register* on June 19, 2002. The SNPRM outlines another option for local official consultation. The SNPRM closes on September 19.

I look forward to working with you to implement the Executive Order to expedite critical transportation projects, while remaining mindful of important environmental considerations.

Sincerely,



Mary E. Peters
Administrator

Attachments





THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

September 18, 2002

The Honorable Gray Davis
Governor of California
Sacramento, CA 95814


Dear Governor Davis:

I am pleased to announce that today President Bush issued an Executive Order to enhance environmental stewardship and streamline environmental review of important transportation infrastructure projects.

Too many transportation projects become mired for too long in the complex web of clearances required by Federal and State law. This initiative is intended to make our transportation investments more efficient, helping to ease congestion and reduce pollution.

President Bush has instructed his Cabinet to form a review team, which he has asked me to chair, to streamline environmental reviews of specific, high-impact transportation projects. In addition, we hope to identify effective procedures for routinely expediting consideration of environmentally sound transportation projects nationwide. Commonsense streamlining and responsible environmental stewardship motivate our effort in equal measure.

It is my intention to develop a list of specific streamlining projects to tackle immediately. We will seek project nominations from Governors, local authorities -- such as airport directors or metropolitan planning organizations -- and other transportation leaders. Working with State and Federal agencies, we expect to help cut through red tape and promote effective strategies for taking time out of the review process.

Concurrent with the President's Executive Order, I have withdrawn rules proposed by the Department of Transportation in May 2000 that deal with planning and environmental review regulations for transportation projects. We want to go back to the drawing board, and will incorporate lessons learned from looking more closely at these processes.

The Department of Transportation will shortly make available details about this initiative and will solicit project nominations. I would be grateful if you would provide a point of contact to projectstreamlining@ost.dot.gov or to the office of Emil Frankel, Assistant Secretary for Transportation Policy, at 202-366-4540.

If I can provide further information or assistance, please feel free to call me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Norman Y. Mineta', is written over a vertical line.

Norman Y. Mineta



U.S. Department of Transportation
Office of Public Affairs
Washington, D.C.
www.dot.gov/affairs/briefing.htm

News

Wednesday, September 18, 2002
DOT 85-02

Contact: Brian Roehrkas
Telephone: 202-366-4570

U.S. Department of Transportation Implements Executive Order Safeguarding Environment, Accelerating Decisions on Transportation Projects

U.S. Transportation Secretary Norman Y. Mineta today announced steps the U.S. Department of Transportation (USDOT) is taking to implement President Bush's executive order regarding environmental stewardship and the streamlining of environmental review of important transportation infrastructure projects. The executive order calls for a Cabinet-level task force reporting to the President through the chairman of the Council on Environmental Quality to ensure that environmentally sound projects are not held up unnecessarily by inefficient review procedures.

"Too many transportation projects become mired for too long in the complex web of clearances required by federal and state law. This initiative is intended to make our transportation investments more efficient, helping to ease congestion and reduce pollution," Secretary Mineta said in letters to the governors, Congressional committee leaders and stakeholders. "By working in close concert with governors and transportation leaders, we hope to identify effective procedures for routinely expediting consideration of environmentally sound transportation projects nationwide. Commonsense streamlining and responsible environmental stewardship motivate our effort in equal measure."

While the nation's transportation system is congested and strained, too many projects that would ease congestion and reduce emissions are delayed by a complex and often duplicative permitting process. In 2001 the median time to process environmental documents for major highway projects was four and a half years. Over the past 10 years, the median time to process environmental documents for major transit projects was three years and ten months. The average environmental review time for airport runways, including decision time, is more than three years or about one-third of the 10-year planning time for a new commercial service runway. The total time required for a major new highway or airport to go from planning to opening averages 13 years for highways and 10 years for airports.

In the executive order, President Bush instructed the Cabinet to form a review team, an interagency Transportation Infrastructure Streamlining Task Force, and appointed Secretary Mineta to chair it. The task force will work to streamline environmental reviews of specific, high-impact transportation construction projects – airport, highway, transit and intermodal.

September 18, 2002
DOT 85-02

Secretary Mineta said that all activities flowing from the order will still be required to comply with the National Environmental Policy Act and all other environmental statutes, and that the President's order today goes beyond just compliance. The executive order directs the Department of Transportation to continue and expand environmental stewardship for transportation projects.

The executive order builds upon ongoing efforts by the USDOT, other federal agencies and their transportation partners to streamline the decision making process in response to the Transportation Equity Act for the 21st Century (TEA-21) and the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21).

Secretary Mineta said that the U.S. Department of Transportation will develop a list of specific streamlining projects "to tackle immediately." In his letters, Secretary Mineta asked for project nominations from governors, local authorities such as airport directors and metropolitan planning organizations, and other transportation leaders.

"Working with state and federal agencies, we expect to help cut through red tape and promote effective strategies for taking time out of the decision making process," Secretary Mineta said.

Based on its experience in accelerating review of the initial list of high priority projects, the Department in the future will develop a series of "best practices" for streamlining the decision making process on all transportation infrastructure projects and for enhancing environmental stewardship.

Concurrent with the executive order, the transportation planning and environmental rulemakings, proposed by the Federal Highway and Transit Administrations in May 2000, are being withdrawn. A notice will be published in the *Federal Register*. A supplemental rulemaking dealing specifically with local consultation was issued in June 2002.

The task force members in addition to Secretary Mineta include the U.S. Secretaries of Agriculture, Commerce, the Interior and Defense as well as the Administrator of the Environmental Protection Agency, Chair of the Advisory Council on Historic Preservation and the Chair of the Council on Environmental Quality.

The executive order, *Environmental Stewardship and Transportation Infrastructure Project Reviews*, is on the Internet at <http://www.whitehouse.gov/news/>.

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For Immediate Release
Office of the Press Secretary
September 18, 2002

Executive Order: Environmental Stewardship and Transportation Infrastructure Project Reviews

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance environmental stewardship and streamline the environmental review and development of transportation infrastructure projects, it is hereby ordered as follows:

Section 1. Policy. The development and implementation of transportation infrastructure projects in an efficient and environmentally sound manner is essential to the well-being of the American people and a strong American economy. Executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law and available resources, to promote environmental stewardship in the Nation's transportation system and expedite environmental reviews of high-priority transportation infrastructure projects.

Sec. 2. Actions. (a) For transportation infrastructure projects, agencies shall, in support of the Department of Transportation, formulate and implement administrative, policy, and procedural mechanisms that enable each agency required by law to conduct environmental reviews (reviews) with respect to such projects to ensure completion of such reviews in a timely and environmentally responsible manner.

(b) In furtherance of the policy set forth in section 1 of this order, the Secretary of Transportation, in coordination with agencies as appropriate, shall advance environmental stewardship through cooperative actions with project sponsors to promote protection and enhancement of the natural and human environment in the planning, development, operation, and maintenance of transportation facilities and services.

(c) The Secretary of Transportation shall designate for the purposes of this order a list of high-priority transportation infrastructure projects that should receive expedited agency reviews and shall amend such list from time to time as the Secretary deems appropriate. For projects on the Secretary's list, agencies shall to the maximum extent practicable expedite their reviews for relevant permits or other approvals, and take related actions as necessary, consistent with available resources and applicable laws, including those relating to safety, public health, and environmental protection.

Sec. 3. Interagency Task Force. (a) **Establishment.** There is established, within the Department of Transportation for administrative purposes, the interagency "Transportation Infrastructure Streamlining Task Force" (Task Force) to: (i) monitor and assist agencies in their efforts to expedite a review of transportation infrastructure projects and issue permits or similar actions, as necessary; (ii) review projects, at least quarterly, on the list of priority projects pursuant to section 2(c) of this order; and (iii) identify and promote policies that can effectively streamline the process required to provide approvals for transportation infrastructure projects, in compliance with applicable law, while maintaining safety, public health, and environmental protection.

(b) **Membership and Operation.** The Task Force shall promote interagency cooperation and the establishment of appropriate mechanisms to coordinate Federal, State, tribal, and local agency consultation, review, approval, and permitting of transportation infrastructure projects. The Task

Force shall consist exclusively of the following officers of the United States: the Secretary of Agriculture, Secretary of Commerce, Secretary of Transportation (who shall chair the Task Force), Secretary of the Interior, Secretary of Defense, Administrator of the Environmental Protection Agency, Chairman of the Advisory Council on Historic Preservation, and Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part of the member's department, agency, or office and who is either an officer of the United States appointed by the President with the advice and consent of the Senate or a member of the Senior Executive Service. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality.

Sec. 4. Report. At least once each year, the Task Force shall submit to the President a report that: (a) Describes the results of the coordinated and expedited reviews on a project-by-project basis, and identifies those procedures and actions that proved to be most useful and appropriate in coordinating and expediting the review of the projects.

(b) Identifies substantive and procedural requirements of Federal, State, tribal, and local laws, regulations, and Executive Orders that are inconsistent with, duplicative of, or are structured so as to restrict their efficient implementation with other applicable requirements.

(c) Makes recommendations regarding those additional actions that could be taken to: (i) address the coordination and expediting of reviews of transportation infrastructure projects by simplifying and harmonizing applicable substantive and procedural requirements; and (ii) elevate and resolve controversies among Federal, State, tribal, and local agencies related to the review or impacts of transportation infrastructure projects in a timely manner.

(d) Provides any other recommendations that would, in the judgement of the Task Force, advance the policy set forth in section 1 of this order.

Sec. 5. Preservation of Authority. Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

Sec. 6. Judicial Review. This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

GEORGE W. BUSH
THE WHITE HOUSE,
September 18, 2002.

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